

REMARKS

Claims 30-39 have been allowed and claims 4, 18 and 24 have been indicated allowable if rewritten in independent form. Claims 44 and 45 have been cancelled. Claims 1-3, 5-17, 19-23, 25-29 and 40-43 and 46-55 are at issue.

Claim 18 has been amended to provide antecedent basis for the term “the predetermined distance.” Therefore, the objection to claim 18 set forth paragraph 2 of the Office Action is believed to have been overcome.

The rejection of claims 1, 8, 9, 10, 14, 46, 47, 48, 50, 51 and 52 as obvious under 35 U.S.C. §103 in view of Rice et al. 6,305,804 and Kim et al. 6,594,377 is respectfully traversed.

Claim 1 specifies “an alignment system to align the eye along an axis that is at a predetermined angle with respect to a centerline of the lens, the angle being greater than 0° and less than 90°.” Neither Rice nor Kim disclose or suggest this claimed feature. In particular, Rice does not disclose an alignment system to align the eye along an axis. Instead, Rice discloses an automatic focus adjustment system for lenses. Moreover, Kim does not disclose the claimed alignment system either. Specifically, Kim does not disclose an alignment system that aligns the eye along an axis that is at a predetermined angle with respect to a centerline of the lens wherein the angle is greater than 0° and less than 90° as claimed. Therefore, Rice and Kim cannot make obvious the invention of claims 1-15. As such, these claims are believed to be allowable.

The rejection of claims 2, 3, 5, 6 and 7 as obvious in view of Rice, Kim and Horiguchi 6,490,365 is respectfully traversed. Each of these claims require an alignment system to align the eye along an axis that is at a predetermined angle with respect to a centerline of the lens wherein the angle is greater than 0° and less than 90° as set forth in claim 1 from which claims 2, 3, 5-7 depend. As discussed above, Rice does not have the claimed alignment system. In

particular, in the rejection of paragraph 8 of the Office Action, the Examiner quotes “a coaxial ‘scene’ or visual target...in the visual field” at col. 4, ln. 59. However, a coaxial visual target will not align the eye along an axis that is at a predetermined angle with respect to a centerline of the lens wherein the angle is greater than 0° and less than 90° as claimed. Instead, a “coaxial target” would be on the axis of the optical system as opposed to an angle that greater than 0° from the axis of the optical system. Horiguchi does not overcome the deficiencies of Rice and Kim noted above. Specifically, Horiguchi does not align the eye along an axis that is at a predetermined angle with respect to a centerline of the lens, the angle being greater than 0° and less than 90° . As clearly shown in Fig. 6, the axis 5 of the light that projects from the end 11 of the optical fiber is on the centerline of the lens and as such is not at a predetermined angle with respect to that centerline wherein the angle is greater than 0° and less than 90° as claimed. Moreover, Horiguchi does not disclose the alignment system of claim 2 that includes an elongated straight channel with a longitudinal axis along which the eye is aligned. The optical fiber is bent at 90° and therefore is not straight. Moreover, the straight portion of the optical fiber is shown at 9 in Fig. 6 does not have a longitudinal axis which is the axis along which the eye is aligned as recited in claim 2. Therefore, Rice, Kim and Horiguchi cannot make obvious the invention set forth in claims 2, 3 and 5-7. As such, these claims are believed to be allowable.

The rejection of claims 11 and 12 as obvious in view of Rice, Kim and Miller 6,690,466, the rejection of claim 13 in view of Rice, Kim and Heacock 5,861,938 and the rejection of claim 15 in view of Rice, Kim and Dreher 5,303,709 is respectfully traversed. Claims 11-13 and 15 are believed to be allowable for the same reasons as discussed above with respect to claim 1 from which claims 11-13 and 15 depend. Neither Miller, Dreher or Heacock overcome the

deficiencies of Rice, Kim and Horiguchi noted above. Therefore, these claims are believed to be allowable.

The rejection of claims 16, 17, 19, 20, 21, 25 and 29 as obvious under 35 U.S.C. §103 in view of Rice and Horiguchi is respectfully traversed.

Claims 16-29 specify “an alignment system including a member with an elongated straight channel therein the channel having an end into which a user looks and a longitudinal axis at an angle with respect to a centerline of the lens, the angle being greater than 0° and less than 90°.” As discussed above, neither Rice nor Horiguchi discloses this claimed alignment system. In particular, the optical fiber of Horiguchi is not a straight channel. Moreover, the longitudinal axis of the optical fiber is not at an angle that is greater than 0° and less than 90° as set forth in the claims. Therefore, claims 16-29 are believed to be allowable over Rice and Horiguchi.

The rejection of claims 22 and 23 as obvious in view of Rice, Horiguchi and Kim, the rejection of claims 26 and 27 as obvious in view of Rice, Horiguchi and Miller, and the rejection of claim 28 in view of Rice, Horiguchi and Heacock is respectfully traversed. Claims 22, 23 and 26-28 are believed to be allowable for the reasons discussed above with respect to claim 16 from which these claims depend. Neither Kim, Miller or Heacock overcome the deficiencies of Rice and Horiguchi as noted above with respect to claim 16. Therefore, these claims are believed to be allowable under 35 U.S.C. §103.

The rejection of claim 40 under 35 U.S.C. §102(e) as anticipated by Miller et al. 6,690,466 is respectfully traversed. First, it is not believed that Miller is prior art to the invention of the present application. However, even if Miller were prior art, Miller does not disclose the system for capturing an image of the retina of an eye as set forth in claim 40. In particular, claim 40 requires an illumination source including a red light emitting diode and a green light emitting

diode wherein the light from the light emitting diode is combined to simultaneously illuminate the eye with both red and green light. The whole point of Miller is to provide “spatially distinct but parallel rays” from the various LEDs that are employed. See col. 5, lns. 39-41 of Miller. Miller requires the light from the different LEDs to be spatially distinct and not combined as required by claim 40, so that its software can “first operate the illuminator to produce red, then green, then blue illumination...” as described at col. 9, lns. 23-25 of Miller. Again, this is the opposite of the invention set forth in claim 40 which requires light from the red and green LED to be “combined to simultaneously illuminate the eye with both red and green light.” Because Miller does not teach the invention of claim 40, but actually teaches the opposite thereof, Miller cannot anticipate claim 40.

The rejection of claims 40, 41 and 49 as obvious in view of Rice and Miller is respectfully traversed. Rice does not overcome the deficiencies of Miller. In particular, although Rice discloses that the illumination light may be composed of two or more separate lighting systems, Rice also states that the “illumination system is preferably a monochromatic or a multiple discrete wavelength light source.” As such, Rice like Miller discloses the preferability of separating the light sources of different wavelengths or frequencies as opposed to the claimed invention which requires the light from a red and green LED to be combined to simultaneously illuminate the eye with both red and green light as claimed. Therefore, claims 40 and 41 are believed to be allowable over Rice and Miller.

The rejection of claim 42 in view of Rice, Miller and Heacock and the rejection of claim 43 in view of Rice and Heacock are respectfully traversed. Claims 42 and 43 are believed to be allowable for the same reasons as discussed above with respect to claim 40 from which these

claims depend. Heacock does not overcome the deficiencies of Rice and Miller as discussed above. As such, these claims are believed to be allowable under 35 U.S.C. §103.

The rejection of claims 46-52 as obvious in view of Rice and Kim is respectfully traversed. Each of claims 46-52 specifies generating a fixation target “viewable only when an eye is generally aligned along a predetermined axis.” Neither Rice nor Kim disclose such a fixation target. In particular, Kim does not disclose a fixation target and although Rice does, the target of Rice is always viewable. Because neither Rice nor Kim disclose the claimed visual target that is viewable only when an eye is generally aligned along a predetermined axis, neither of these references can render obvious the invention of claims 46-52 under 35 U.S.C. §103.

The rejection of claim 49 as obvious in view of Rice and Miller is respectfully traversed. Claim 49 is dependent on claim 46 and is believed to be allowable for the reasons discussed above with respect to claim 46 since Miller does not overcome the deficiencies of Rice noted above. As such, claim 49 is believed to be allowable.

Because claims 53 and 54 also specify that the visual target that is generated is viewable only when an eye is generally aligned along a predetermined axis, these claims are also believed to be allowable over the cited art as discussed above with respect to claims 46-52.

The rejection of claim 55 in view of Rice, Miller and Heacock is respectfully traversed. Claim 55 requires “simultaneously directing light from a green light emitting diode and a red light emitting diode to illuminate an area of a retina.” As discussed above, Rice and Miller do not teach the simultaneous direction of green and red light to illuminate the retina but instead, teach the opposite, i.e. that the light from different light sources should be separated so that the light sources can be sequentially activated as opposed to simultaneously activated. Heacock

does not overcome the deficiencies of Rice and Miller in this regard. Therefore, claim 55 is believed allowable under 35 U.S.C. §103 in view of Rice, Miller and Heacock.

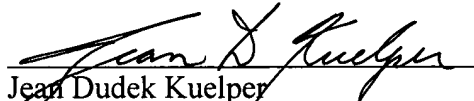
All of the claims at issue are believed to be allowable for the reasons discussed above.

Therefore, reconsideration and allowance is respectfully requested.

Respectfully submitted,

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